

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT SMITH,  
#57368

Plaintiff,

VS.

TASHINA SANDOVAL, *et al.*

## Defendants

3:11-cv-00011-LRH-RAM

ORDER

This is a prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On June 3, 2011, this court dismissed this action for failure to state a claim for which relief may be granted (docket #6), and judgment was entered (docket #8). Plaintiff filed a notice of appeal on June 20, 2011 (docket #9).

On June 24, 2011, the Ninth Circuit Court of Appeals referred this matter to this court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith (*see* USCA No.: 11-16537). This court has determined that an *in forma pauperis* appeal from its Order would not be frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3).

**IT IS THEREFORE ORDERED** that any *in forma pauperis* appeal from its Order dated June 3, 2011 would not be frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3).

DATED this 30th day of June, 2011.

Flüsse

**LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE**